

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RYAN DAVIS, and ANTHONY CRANE,

Plaintiffs,

vs.

SIMON CONTRACTORS, INC,

Defendant.

8:19-CV-246

**ORDER REGARDING DEFENDANT'S
OBJECTIONS TO PLAINTIFFS'
DEPOSITION DESIGNATIONS**

This matter is before the Court on Defendant's objections to Plaintiffs' Deposition Designations. [Filing 101](#). In the Court's April 7, 2022 Order resolving the parties' objections to deposition designations, the Court reserved ruling on Defendant's objections to the deposition designation of Timothy Thompson. [Filing 124 at 2](#). On April 11, 2022, counsel for Defendant informed the Court that he was unable to procure Mr. Thompson's attendance to testify at trial. Therefore, the Court will rule on Defendant's objections to the deposition designation of Mr. Thompson. The objections are copied below; the Court's ruling comes immediately after each objection.

I. DEFENDANT'S OBJECTIONS TO PLAINTIFFS' DEPOSITION DESIGNATIONS

The following objections and rulings are in reference to [Filing 101](#).

1. Timothy Thompson

9:16-10:9 – Objection, Relevance.

Court's Ruling: The objection is overruled.

10:18-11:12 - Objection. Request that the entire record be read from 10:18-12:9 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 10:18-12:9.

12:4-9 - Objection. Request that the entire record be read from 10:18-12:9 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 10:18-12:9.

13:10-23 - Objection. Request that the entire record be read from 13:10-16:1 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 13:10-16:1.

14:15-15:1 - Objection. Request that the entire record be read from 13:10-16:1 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 13:10-16:1.

15:4-16:1 - Objection. Request that the entire record be read from 13:10-16:1 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 13:10-16:1.

17:1-4 - Objection. Request that the entire record be read from 16:17-22:15 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 16:17-22:15.

17:9-18 - Objection. Request that the entire record be read from 16:17-22:15 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 16:17-22:15.

18:12-20 - Objection. Request that the entire record be read from 16:17-22:15 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 16:17-22:15.

19:3-20:25 - Objection. Request that the entire record be read from 16:17-22:15 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 16:17-22:15.

21:7-22:17 - Objection. Request that the entire record be read from 16:17-22:15 in accordance with [FRCP 32\(6\)](#). Additional objection to 22:16-17 on form and foundation.

Court's Ruling: The request is granted; the entire record will be read from 16:17-22:15. The request to remove 22:16-17 is granted.

22:20-23:5 – Objection. Form and Foundation.

Court's Ruling: The objection is overruled.

27:17-28:13 - Objection. Request that the entire record be read from 27:17-30:10 in accordance with [FRCP 32\(6\)](#).

Court's Ruling: The request is granted; the entire record will be read from 27:17-30:10.

28:23-30:16 - Objection. Request that the entire record be read from 27:17-30:10 in accordance with [FRCP 32\(6\)](#). Defendant also objects to 30:10-30:16 as the question posed lacked foundation.

Court's Ruling: The request is granted; the entire record will be read from 27:17-30:10. The request to remove 30:11-16 is granted.

30:18-31:24 – Objection, Relevance. Pursuant to a prior ruling, Nathan Mayercsik’s opinion testimony and the educational materials relied upon are excluded from trial. This line of questioning pertains to those educational materials relied upon which are irrelevant.

Court’s Ruling: The objection is sustained.

32:1-32:16 - Objection, Relevance. Pursuant to a prior ruling, Nathan Mayercsik’s opinion testimony and the educational materials relied upon are excluded from trial. This line of questioning pertains to those educational materials relied upon which are irrelevant.

Court’s Ruling: The objection is overruled.

35:10-36:3 – Objection. Form, Foundation, relevance, and calls for a legal opinion. Additionally, it is incomplete as the line of questioning started on 32:17, which pertains to the educational materials previously found to be excluded as they formed the basis for Nathan Mayercsik’s opinion.

Court’s Ruling: The objection is overruled.

37:3-7 – Objection. Relevance.

Court’s Ruling: The objection is sustained.

38:2-7 – Objection. Form, Foundation, Relevance.

Court's Ruling: The objection is sustained.

38:9-10– Objection. Form, Foundation, Relevance.

Court's Ruling: The objection is sustained.

29:24-39:2– Objection. Form, Foundation, Relevance.

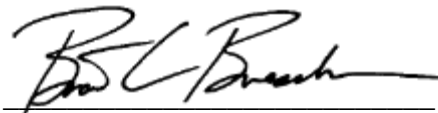
Court's Ruling: The objection to 38:24-39:2 is sustained.

39:4 – Objection. Form, Foundation, Relevance.

Court's Ruling: The objection is sustained.

Dated this 12th day of April, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge